

Director's Report and Recommendation: Northgate Parking, SOV-Reduction Goals, and SEPA Policy Ordinance

Introduction

The Northgate Overlay District currently prohibits sharing of parking between certain commercial uses. This prohibition is contrary to City policies calling for minimizing development of new parking, and is inconsistent with parking requirements in other commercial zones. The Overlay District also contains goals for reducing single-occupancy vehicle (SOV) trips that are out-of-date, less restrictive than City Comprehensive Plan goals, and inconsistent with the City's general manner of applying those goals. Overlay District regulations are proposed to be amended to remove the prohibition on sharing parking and create consistency between Northgate Overlay District SOV goals and citywide SOV trip reduction goals.

The Northgate SEPA policies, adopted in 1993 by Ordinance 116770, Section 3, are also proposed to be repealed. For various reasons, these SEPA policies duplicate existing policies, regulations, or plans, or are inconsistent with or outside the scope of the City's existing SEPA authority. The analysis in this report is based on staff work from the Department of Planning and Development (DPD), Seattle Department of Transportation (SDOT) and City Council staff.

Background and Analysis

Upon completion of the Northgate Area Comprehensive Plan (NACP) in 1993, the City Council adopted the Northgate Overlay District. The overlay district regulations included a prohibition on sharing parking between commercial uses. The overlay district regulations also established specific goals for SOV trip reduction (23.71.016 D (2)). Ordinance 116770, considered contemporaneously by the Council, adopted policies governing the environmental review of new development (SEPA) in the Northgate neighborhood.

Parking

Adopted in 1993, Section 23.71.016 (D) (2) provides: "Multipurpose convenience stores and general retail sales and service uses which are open to the public four (4) days a week after seven p.m. (7:00 p.m.) may not have shared parking." This regulation was originally intended to insure that when a larger food stores or supermarkets were open late into the evening, that they retained control over an adequate supply of parking to serve customers. However, experience since adoption of this regulation has demonstrated that supermarkets typically overbuild the amount of parking required. Therefore, not allowing or encouraging the sharing of these parking resources with other nearby developments is contrary to City policy that discourages oversupply of parking, the efficient use of existing parking supply and prevention of spillover parking into adjacent residential neighborhoods. Through the discussions about parking that ensued from new proposed development and in development of the Northgate Coordinated Transportation Improvement Plan (CTIP), this limit on the sharing of parking was proposed to be repealed. If not repealed, it is conceivable that future development of commercial uses may not be able to use existing parking resources efficiently, such as by sharing nearby underutilized parking.

Reduction in SOV trips

The City approved new Comprehensive Plan goals for reducing SOV trips in 2004, based on Seattle Department of Transportation (SDOT) traffic models. Current Northgate goals for

reducing SOV trips are inconsistent with these Comprehensive Plan goals in several ways. The Northgate residential SOV trip targets will not achieve the Comprehensive Plan's urban center goals over time. The Comprehensive Plan residential SOV reduction goal for the year 2000 is fifty percent maximum SOV trips; however, the Northgate goal (for 1999/2000, the final year specified) is only fifty-five percent maximum SOV trips. Because this goal is less ambitious than the City Comprehensive Plan goal, it is inconsistent and should be repealed.

For a different reason, the Northgate goals for reducing SOV work/student trips are also inconsistent with City Comprehensive Plan goals for SOV work-trip reduction. The Northgate work-trip SOV goals apply only to "substantial development" that generates twenty-five or more employee/student trips per p.m. peak hour. "Substantial development" is a defined term in the Northgate Overlay District, and means "any new development, or expansion or addition to existing development, when the new development, expansion or addition exceeds four thousand (4,000) square feet in gross floor area, excluding accessory parking area." By contrast, the City Comprehensive Plan SOV goals apply to all development, irrespective of size, and are not limited to development that results in a certain minimum number of trips at certain times of the day. Therefore, City Comprehensive Plan goals are more ambitious than Northgate goals.

The Northgate goals were indexed to the past years 1995, 1997 and 1999/2000. The City's Comprehensive Plan goals start from a baseline of the year 2000 and are indexed to the future years 2010 and 2020. Goals should be set for future years.

Finally, setting specific targets, as the Northgate goals do, is inconsistent with the manner in which the City applies its authority to review and condition projects. Application of the City's authority, as articulated through implementing zoning requirements and applying SEPA, should be consistent throughout the City, including Northgate. The City exercises its authority on a project-specific basis, applying development standards and mitigating a project's environmental impacts through SEPA conditions. In some cases, the City may choose to impose greater reductions in SOV trips as a permit condition than the current Northgate regulations would allow.

SEPA Policies

Section 3 of Ordinance 116770 identified NACP implementation guidelines as policies that would serve as the basis for exercising substantive SEPA authority when reviewing Master Use Permit applications in Northgate. These implementation guidelines were never adopted into the City's SEPA ordinance.

With the inclusion of Northgate goals and policies into the City's Comprehensive Plan in 2005, only Section 3 of Ordinance 116770, the Northgate-specific SEPA policies, still has legal effect. At their June 15th, 2004 meeting, the NACP Subcommittee of the Northgate Stakeholders Group endorsed a proposal for reviewing the Northgate SEPA policies.

Each of the Implementation Guidelines is recommended for repeal because it falls into one or more of the following categories:

- the policy is already accomplished,
- is better expressed through City Comprehensive Plan policies,

- is duplicative of existing regulations,
- is unduly limiting of the City's SEPA authority,
- is not appropriate as a SEPA policy, or
- has been addressed through CTIP improvements.

The following analysis considers each Implementation Guideline in turn and makes a recommendation to retain or repeal the policies. Note that the original NACP (1993) identifies only Implementation Guidelines as SEPA policies, not the overall Plan's policies. For example, Policy 10 ("Reduce the impact of increase in traffic volume by minimizing conflicts with local access streets and improving traffic flow, circulation, and safety without increasing vehicular capacity") is not identified as a SEPA policy, but Implementation Guideline 10.3 (Improve Arterial Traffic Flow and Operations) is identified as a SEPA policy. Table 5 (Implementation Strategies) of the NACP maintains this same distinction between policies and implementation guidelines. Therefore, this report is based on a review of the Implementation Guidelines.

IMPLEMENTATION GUIDELINE 4.3

MAINTAIN AND PROTECT SINGLE FAMILY NEIGHBORHOODS

"Outside of the core, land use actions shall be directed to protect existing single-family neighborhoods. New housing will be encouraged in existing multi-family and commercial zones where there is an existing mix of uses and where residents will have an opportunity to walk to commercial services."

Recommendation: **Repeal.** This implementation guideline is inconsistent with the City's general SEPA policy framework and is unnecessary given the likelihood that the City's Land Use Code would be found to be adequate in most circumstances,

Rationale: The City's SEPA ordinance does not distinguish between or provide greater protection for single-family residential neighborhoods in Northgate than it does for any other residential neighborhood in any other part of Seattle. The City may use its SEPA authority to require a project to mitigate impacts on residential neighborhoods, but would not distinguish a specific type of residential use (single-family) in a particular neighborhood (Northgate).

This Implementation Guideline is more appropriately expressed as a general goal or policy, not as a SEPA policy, and as such its intent has been expressed in the City's Northgate-related goals and policies in the Comprehensive Plan's Land Use and Housing Goal NG-G3 that supports buffering single-family neighborhoods from more intense development."

In addition, there are extensive zoning provisions and development standards that serve the purpose of "maintaining and protecting" single-family neighborhoods. Unless there are particular impacts that cannot be adequately addressed through the City's land use regulations, those regulations, insofar as they apply to both single-family zones and to Northgate multifamily and commercial zones where housing is encouraged, would be presumed to be adequate. Under Section 25.05.665 (D), where regulations are adequate to achieve sufficient mitigation, there are only extremely limited circumstances where mitigation or denial of a project would be permitted.

IMPLEMENTATION GUIDELINE 8.3 (INCLUSIVE OF 8.3A, B, C, D, AND E) REDUCE PEDESTRIAN/VEHICULAR CONFLICTS

“For SEPA mitigation pursuant to SMC 25.05.675R (the SEPA Traffic impact policy), mitigation may be required to mitigate on-site impacts. For purposes of this policy, traffic impacts to streets or intersections that are adjacent to the block upon which proposed development is to occur shall be determined in the same manner as on-site impacts...In the review of proposed substantial development pursuant to SMC 25.05.675R (SEPA Traffic impact policy), mitigation which may be required to mitigate a development's contribution to off-site impacts, beyond the block upon which the proposed development is to occur, is limited to the measures identified below and in Implementation Guidelines 8.3, 10.3, 10.4, 11.1 and 11.2, provided that additional mitigation may be required to mitigate offsite impacts which were not identified in the EIS for this plan. Such additional mitigation is limited to improvements that enhance or facilitate pedestrian, transit and bicycle use.”

Recommendation: **Repeal.** This implementation guideline is inconsistent with the City's general SEPA policy framework and with the City's practice of mitigating development impacts through SEPA..

Rationale: “On-site” is defined in this policy as both the site and the streets and intersections that are adjacent to the block upon which proposed development is to occur. This limits the City's SEPA authority, which considers off-site impacts susceptible to SEPA mitigation. The City's SEPA ordinance is interpreted to consider “offsite” impacts to include impacts on adjacent streets and intersections; these are defined as “on-site” in Implementation Guidelines 8.3 and 10.3.

This policy is more limited than the City's general SEPA authority in other ways. For example, this policy sets limits on project conditions that may be imposed to mitigate off-site impacts, stating that only those measures identified in Implementation Guidelines 8.3, 10.3, 10.4, 11.1 and 11.2 may be imposed. Additional measures may be imposed to mitigate “off-site” (as defined in the NACP) impacts, but those measures are also limited to “improvements that enhance or facilitate pedestrian, transit or bicycle use.” Without further justification, there is no reason to limit the City's SEPA authority to mitigate project-specific impacts in this manner.

Implementation Guideline 8.3A “On-site pedestrian safety shall be enhanced through the review of new development site plans to ensure that potential vehicular and pedestrian conflicts are minimized.”

Rationale: This policy is duplicative of the City's existing SEPA authority to address traffic impacts, which includes review of impacts on pedestrian safety, both on the development site and off the site. In addition, the design review process (SMC Chapter 23.41), which was not established at the time the NACP was drafted, reviews development site plans and addresses pedestrian enhancements that can relate to safety or general pedestrian/vehicle conflicts. The Coordinated Transportation Improvement Plan (CTIP) is proposing pedestrian improvements, such as sidewalks, to address such conflicts.

Implementation Guideline 8.3B “Curb cuts across sidewalks shall be minimized. An individual site shall have no more than one entry and one exit driveway per street, unless curb cuts are more than 300 feet apart.”

Rationale: Application of the City’s SEPA authority is project-specific, and therefore curb cuts and access points may differ from project to project, but mitigations related to pedestrian-safety, such as limiting curb-cuts, can be required through the City’s existing SEPA authority. Existing regulations in the adopted Northgate Overlay District also address curb cuts, limiting lots fronting on a major pedestrian street to no more than one two-way curb-cut per 300 feet of lot frontage. Design review can also address pedestrian enhancements such as limiting or eliminating curb cuts. Finally, the CTIP is recommending location-specific pedestrian improvements to address pedestrian-vehicle conflicts that are created by curb cuts.

Implementation Guideline 8.3 C: (“If the pedestrian impacts of substantial development result in the need to increase the length of the signal cycle or phasing in a way that would increase the volume-to-capacity [v/c] ratio at the intersection of 5th Avenue and Northgate Way, pedestrian skybridges crossing Northgate Way ...and 5th Avenue N.E.... shall be used to minimize pedestrian/vehicular conflicts... Adjacent substantial developments are strongly encouraged to directly connect their buildings with the skybridges.”)

Rationale: CTIP recommended improvements E-4, E-5 and E-6 address this policy by proposing other means of minimizing pedestrian/vehicular conflicts. This implementation guideline limits the City’s SEPA authority for no compelling reason. SEPA is not the appropriate regulatory vehicle to encourage development of a certain type, such as skybridges.

Implementation Guideline 8.3 D: (“Safe, convenient pedestrian crossings shall be a priority at the arterial locations listed below.”)

<i>D1:</i> at Northgate Way between 5th Ave NE and 7th Ave NE	CTIP recommended improvement E-6 addresses this policy.
<i>D2:</i> at Roosevelt Way between NE 111th St and NE 112th Street	The City installed a traffic signal on Roosevelt Way at NE 112th Street.
<i>D3:</i> at Roosevelt Way/NE 92nd Street	CTIP recommended improvement H-1 addresses this policy.
<i>D4:</i> at 15th Ave NE between NE 117th St. and NE 127th Street	CTIP recommended improvement G-4 addresses this policy.
<i>D5:</i> at NE 103rd St/3rd Ave NE and NE 100th St/3rd Ave NE	CTIP recommended improvements F-3 and F-6 address this policy.
<i>D6:</i> at Meridian Ave N between N 103rd St and N 105th Street	The City installed a pedestrian activated signal on Meridian Ave N at N 105th Street.

Implementation Guideline 8.3 E:

“Interior block pedestrian connections shall be created to facilitate continuous pedestrian circulation between the buildings of a substantial development and the adjacent public sidewalks. New development shall be designed to provide pedestrian and bicycle connections in and

between large super-blocks of the Northgate core, and to minimize conflicts between vehicles and pedestrians. “

Rationale: These policies do not clearly address environmental impacts and are inappropriate for inclusion in the City's SEPA authority. The City's existing SEPA authority is adequate to address pedestrian-vehicle conflicts. The substance of these policies has been addressed through the Northgate Neighborhood Design Guidelines and can also be addressed through the Design Review process.

The City's SEPA ordinance provides that “Mitigation measures shall be related to specific, adverse environmental impacts...” (SMC 25.05.660 (1) (Substantive authority and mitigation.)) That is, a nexus must be shown between the impacts of a project and the mitigations that are used to condition the project. If “facilitating continuous pedestrian circulation between a building and the public sidewalk” is intended as a mitigation measure, it is difficult to show a nexus between that mitigating measure and the “pedestrian-vehicle conflict” impacts created by a project.

The City's existing SEPA authority typically addresses pedestrian safety. In addition, the Design Review process generally addresses related issues such as the location of interior block pedestrian connections on a site. The gist of the proposed language in Implementation Guideline 8.3(E) has been directly addressed through the Northgate Neighborhood Design Guidelines, adopted after the 1993 Northgate SEPA Policies were adopted. Design Guideline D-1, Pedestrian Open Spaces and Entrances, specifically identifies Interior Block Pedestrian Connections:

“Larger development sites are encouraged to incorporate pedestrian walkways and open spaces to create breaks in the street wall and encourage movement through the site and to the surrounding area. Such walkways should meet the sidewalk of key pedestrian streets in an engaging and identifiable manner. In siting such street level pedestrian connections, new developments should analyze the subject site, and their relationship to surrounding properties, streets and activity areas. The transit center is of particular significance regarding pedestrian movement through the area. A new mixed-use transit-oriented development (TOD) planned for the site will make it an important pedestrian destination, and the TOD project and new developments surrounding it are encouraged to promote an environment conducive to walking through such means as interior block pedestrian connections oriented to the surrounding street system.”

The City's Design Review Boards may also take into consideration indications of neighborhood preferences such as the policies in the Northgate neighborhood plan, even if they are not SEPA policies.

IMPLEMENTATION GUIDELINE 10.3 (INCLUDING 10.3A) IMPROVE ARTERIAL TRAFFIC FLOW AND OPERATIONS

Recommendation: Repeal. The policies in Implementation Guidelines 10.3 and 10.3A limit the City's existing SEPA authority and provide an unclear nexus between impacts and mitigation, and should be repealed.

Implementation Guideline 10.3: “For SEPA mitigation pursuant to SMC 25.05.675R (the SEPA Traffic impact policy), mitigation may be required to mitigate on-site impacts. For purposes of this policy, traffic impacts to streets or intersections that are adjacent to the block upon which proposed development is to occur shall be determined in the same manner as on-site impacts...In the review of proposed substantial development pursuant to SMC 25.05.675R (SEPA Traffic impact policy), mitigation which may be required to mitigate a development’s contribution to off-site impacts, beyond the block upon which the proposed development is to occur, is limited to the measures identified below and in Implementation Guidelines 8.3, 10.3, 10.4, 11.1 and 11.2, provided that additional mitigation may be required to mitigate offsite impacts which were not identified in the EIS for this plan. Such additional mitigation is limited to improvements that enhance or facilitate pedestrian, transit and bicycle use.”

Rationale: “On-site” is defined in this policy as both the site and the streets and intersections that are adjacent to the block upon which proposed development is to occur. The City’s SEPA ordinance is interpreted to consider “offsite” impacts to include impacts on adjacent streets and intersections; these are defined as “on-site” in Implementation Guidelines 8.3 and 10.3.

This policy is more limited than the City’s SEPA authority in a second way. This policy sets limits on the project conditions that can be imposed to mitigate off-site impacts. The City’s SEPA authority is not limited in that way. This policy states that only those measures identified in Implementation Guidelines 8.3, 10.3, 10.4, 11.1 and 11.2 may be imposed. Additional measures may be imposed to mitigate “off-site” (as defined in the NACP) impacts, but those measures are also limited – to “improvements that enhance or facilitate pedestrian, transit or bicycle use.” Without further justification, there is no reason to limit the City’s SEPA authority to mitigate project specific impacts in this manner.

In addition, the Northgate CTIP recommends a development mitigation program that is inconsistent with both Implementation Guidelines 10.3 and 8.3. In 2006 the City will develop a voluntary developer mitigation program for Northgate that will collect developer mitigation fees for off-site transportation improvements from developers who wish to participate. Fees from the new program are intended to be used to fund improvements on an area-wide basis for all travel modes. The current definition of “off-site” in the Northgate SEPA policies is inconsistent with this proposed development mitigation program, in that it defines mitigations as “on-site” (the site and adjacent blocks) and limits the scope of mitigations that can be applied “off-site.”

Implementation Guideline 10.3 A: “Substantial development shall include an internal circulation plan that minimizes use of the arterial street system”

Rationale: The City’s SEPA authority encompasses review of traffic impacts of a project on the arterial street system as a whole, including the Northgate area. There is no clear SEPA nexus between an internal circulation plan, considered as a mitigating measure, and a project’s impacts on arterial traffic flow and operations.

IMPLEMENTATION GUIDELINE 11.1, 11.2, 11.3

Implementation Guideline 11.1: “Concentrate development within the Northgate core with adequate intensity to support frequent transit service, siting the most intense uses within 1/4 mile of the station.”

Implementation Guideline 11.2: “Encourage pedestrian access to the transit station by creating an attractive, safe pedestrian environment.”

Implementation Guideline 11.3: “A high capacity transit station shall be accessible to residents of the surrounding communities.”

*Recommendation: **Repeal.*** The policies in Implementation Guideline 11 are addressed through existing plans, programs or regulations, and are inconsistent with and/or duplicative of the City’s SEPA authority and authority under other ordinances.

Rationale: The implementation guidelines under Policy 11 are expressly stated to be “contingent on development of a high capacity transit system.” All of Policy 11’s statements are outside the scope of the City’s SEPA authority, because that authority does not address impacts of a specific use, such as a high capacity transit station. SEPA mitigation is applied to projects, not uses.

Various normative statements under Policy 11 suggest that certain actions should be “promoted”, or “encouraged” or “receive incentives.” The City’s SEPA authority is not a vehicle for encouraging development or design of a particular kind; rather, SEPA is a means of addressing project-specific impacts that are not adequately addressed by existing regulations. For example, it is unclear how the directives in Implementation Guideline 11.1 can even be understood as connecting project impacts to mitigating conditions.

The specific statements made within Implementation Guidelines 11.1 and 11.2 are better understood as expressions of land use goals rather than SEPA policies. SEPA policies are used to mitigate the adverse environmental impacts of a project. Land use goals “represent the results that the City hopes to realize over time...goals are not guarantees or mandates.” Land use goals are appropriately located in the City’s Comprehensive Plan.

Northgate’s land use goals were adopted into the City’s Comprehensive Plan in 2005, including goals NG-G4 (“The most intense and dense development activity is concentrated within the core”) and NG-P1 (“Encourage development of the core...with densities sufficient to support transit.”)

There are other, more specific reasons, to re-assess these Implementation Guidelines as SEPA policies. SEPA is not the appropriate regulatory vehicle to set height limits (Implementation Guideline 11.1 A (“Allow a height limit of 85 feet for all mid-rise zones within the Northgate core”) or to encourage a particular type of development Implementation Guideline 11.1 B (“Mixed use and multiple-use development on sites within the core area should be promoted”).

Implementation Guideline 11.1 C (“Station locations should not eliminate street level uses of a site”) pertains to a particular use, namely, high capacity transit stations. SEPA is applied to projects, not uses. With respect to Implementation Guideline 11.1 D, (“Commuter oriented retail services on the street level...shall be encouraged...”) SEPA is not the appropriate regulatory vehicle to encourage a particular type of development, although design guidelines for the light rail system may accomplish this design-related goal. With respect to Implementation Guideline 11.1 E (“Adjacent development shall receive incentives to provide direct connections to the high capacity transit station”), such incentives are more appropriately expressed through comprehensive planning goals and land use code regulations, not SEPA.

Implementation Guideline 11.2 makes the general statement that SEPA policies should “Encourage pedestrian access to the transit station by creating an attractive, safe pedestrian environment.” CTIP recommendations were developed to support this policy and related CTIP goals; and no further action through SEPA is necessary. SEPA is not the appropriate regulatory vehicle to encourage a particular type of development, and there is no clear nexus between this proposed mitigation and the impacts of a project.

Implementation Guideline 11.2 A (Provide a pedestrian crossing of I-5 between the high capacity transit station and North Seattle Community College) was addressed by CTIP as a project improvement. (CTIP Project List F-1). This proposed mitigation is inconsistent with the City’s SEPA authority in that it attempts to encourage a particular type of use (a pedestrian crossing) and presupposes that development as mitigation for the transit station development.

Implementation Guideline 11.2 B calls for an “additional circulator or other type of access...to the development along Meridian Avenue.” CTIP recommended improvement J-1 addresses this policy.

Implementation Guideline 11.2 C states that “direct, weather-protected pedestrian connections shall be provided between entrances and adjoining development sites to promote pedestrian usage.” This pertains to entrances to a light rail station, which is a specific use in the Land Use Code. It may be appropriate to address this design goal through design review or the Light Rail Review Panel, but the City’s SEPA authority does not extend to specific uses. SEPA cannot be used to encourage particular types of developments, such as pedestrian connections, and there is no clear nexus between this proposed mitigation and the impacts of the transit station project. Such improvements will generally be subject to future joint planning between the City and Sound Transit.

With respect to Implementation Guideline 11.2 D (“Provide sidewalks and pedestrian amenities on key local streets leading to the station”) CTIP recommendations for N.E. 92nd St, 1st Ave. N.E., N.E. 100th St, and N.E. 103rd St., and the implementation of the 5th Avenue Streetscape Project all help implement this Guideline.

The City’s existing SEPA authority amply covers the mitigations identified as examples in 11.3, with the exception of 11.3 (F) (“A regional HCT system should include at least one additional

station in the Interstate-5 corridor north of Northgate before diverting to Aurora.”) which is arguably beyond the scope of the City’s SEPA authority.

With respect to Implementation Guideline 11.3 A (“Provide transit feeder services to all residents within two miles of the station with 30 minutes headways”) the CTIP recommended improvement J-1 addresses this policy. Requiring transit feeder service is outside the scope of the City’s SEPA authority.

Implementation Guideline 11.3 B (“At least 15 percent of the parking spaces at the transit station should be reserved for use after 10 a.m. to encourage mid-day use of the transit system by residents and non-work trips”) is an application of the City’s SEPA policies to a specific use, namely, a high-capacity transit station. The City’s SEPA authority is applied to projects, not uses. “Encouraging mid-day use of the transit system” is not within the scope of the City’s SEPA authority and has no clear nexus to the impacts of the project.

Implementation Guideline 11.3 C (“Adequate parking shall be provided for users of the transit station without creating a disincentive for high capacity transit riders to use transit or non-motorized modes to access the station”) addresses the City’s parking requirements for a particular use. The City’s SEPA authority is applied to projects, not uses.

With respect to Implementation Guideline 11.3 (C) (1) (“No more than 1,000 park-and-ride spaces shall be available for the specific use of the transit station”) and (1) (a) (“all parking for the transit station shall be centralized within 1,000 feet of the station”), park-and-ride space issues will continue to be addressed through arrangements among the City, King County Metro, private interests, and Sound Transit. There is no clear nexus between the location or limitation of park-and-ride spaces and the impacts of the project.

With respect to Implementation Guideline 11.3 C (2) (“developers of the transit station and surrounding sites are encouraged to pursue joint use parking arrangements wherever possible”) the CTIP includes recommendations that greater flexibility be allowed in sharing off-street parking between uses in the commercial core and managing on-street parking related to transit commuters. These recommendations, if adopted, will help achieve the goal stated in 11.3C. SEPA is not the appropriate regulatory vehicle to “encourage” actions.

Implementation Guideline 11.3 D: (“The high capacity transit station shall serve as a gateway to the Northgate area [including] an outdoor public space [that] shall be integrated into the development of, or adjacent to a transit station.”) The City’s SEPA authority is applied to projects, not uses. The goals in 11.3 D are more appropriately addressed through design guidelines, including design guidelines for the light rail system. There is no clear nexus between this proposed mitigation and the impacts of the project.

Implementation Guideline 11.3 E: (“Traffic generated by high capacity transit station parking shall be mitigated through a program of neighborhood traffic control devices, pedestrian improvements and arterial street transportation systems (TSM) management projects.”) relates to a specific use, not a project. CTIP makes recommendations relating to on-street parking analysis prior to operation of the light rail system that address this issue. In addition, the language in 11.3

E (“Traffic...*shall* be mitigated...”) is inconsistent with the general statement that applies to all of 11.3 Implementation Guidelines (“Mitigation...*may* include but not be limited to the following mitigations.”)

The language of Implementation Guideline 11.3 F (“A regional HCT system should include at least one additional station in the Interstate-5 corridor north of Northgate before diverting to Aurora.”) is inconsistent with the adopted Sound Move North Link transit plan and is outside the scope of the City’s SEPA authority.

IMPLEMENTATION GUIDELINE 14.1 REDUCE POTENTIAL RUNOFF INTO THORNTON CREEK

*Recommendation: **Repeal.*** These policies are addressed through existing plans, programs or regulations, or are inconsistent with and/or duplicative of the City’s SEPA authority and authority under other ordinances and may be repealed.

Rationale: This Implementation Guideline is more appropriately expressed as a general goal or policy, not as a SEPA policy, and as such its intent has been expressed in the City’s Northgate-related goals and policies in the Comprehensive Plan. Drainage Policy NG-P16 calls for “Promoting reduction of potential runoff into Thornton Creek, and encouraging restoration of the Creek to enhance aquatic habitat and absorb more runoff.”

The City’s SEPA ordinance identifies the types of projects subject to the City’s SEPA-related drainage authority, as well as a list of potential mitigations. These adequately address the general intent of Implementation Guideline 14.1. Through the City’s Stormwater Code, Critical Areas Ordinance, and SEPA drainage authority, riparian corridors are “protected... from adverse drainage impacts.” ((SMC 25.05.675 C (2)).

SMC 25.05.675 (C) allows the City to require some projects to provide drainage control measures that are stricter than the design storm specified in the Stormwater Code and the Critical Areas Ordinance. These mitigating measures can include limiting the size and scope of the project, requiring landscaping and/or retention of existing vegetation, requiring additional drainage control or drainage improvements either on or off site, and soil stabilization measures.

Implementation Guideline 14.1 (A) (“The City shall approve the discharge point for drainage water from substantial development and shall adopt rules for doing so.”)

The City’s SEPA authority can not be used to require an agency to adopt rules. DPD and SPU have adopted Director’s Rules, interpreting the City’s Stormwater, Grading and Drainage Ordinance (SMC 22.802.015.), that adequately address the intent of 14.1 (A).

Implementation Guideline 14.1 (B): (“A 25 year storm shall be the design storm for determining runoff rate. The City shall adopt rules specifying how to calculate required storage volume.”)

The City uses a 100 year design storm standard, which is more stringent than the 25 year standard identified in 14.1 (B). The City's SEPA authority can not be used to require an agency to adopt rules. DPD and SPU have adopted Director's Rules, such as the Flow Control Technical Requirements Manual, that interpret the City's Stormwater, Grading and Drainage Ordinance (SMC 22.802.015.), and adequately address the intent of 14.1 (B).

Implementation Guideline 14.1 (C): ("Owners or their agents shall be responsible for maintenance of drainage control facilities. City representatives may enter property to inspect such facilities and/or require maintenance reports.")

Existing provisions in the Stormwater, Grading and Drainage Code govern the responsibility for maintenance and inspection of drainage control facilities. (SMC 22.802.090) In addition, SEPA can not be used to give a City agency authority to enter property. Under state law, the City only has legal authority to enter property to inspect new facilities.

Implementation Guideline 14.1 (D): ("Encourage infiltration systems for drainage control.")

The City's adopted Flow Control Technical Requirements Manual, which interprets the Stormwater, Grading and Drainage ordinance identifies infiltration as a means of flow control, and provides specifications for infiltration measures.

Implementation Guideline 14.1 (E): ("Developments of 1 acre or more shall submit an erosion and sediment control plan as part of their permit application.")

Standard drainage control review submittals include a requirement for a Temporary Erosion and Sediment Control Plan. (SMC 22.802.020) This requirement is triggered by land disturbing activity of 750 square feet or more, which is more stringent than the requirement in 14.1 (E), as substantial development is defined as development of 4,000 square feet or more. Stormwater Code rules promulgated by the Directors of SPU and DPD include suitable Best Management Practices to stabilize soils.

Implementation Guideline 14.1 (F): ("Provisions to prevent erosion and stream sedimentation shall be taken by property owners and developers.")

The City's Stormwater Code and Construction Manual protects streams and other water bodies from sediment-laden runoff. Standard drainage control review submittals include a requirement for a Temporary Erosion and Sediment Control Plan. (SMC 22.802.020) The City's Construction Stormwater Control Technical Requirements Manual (which interprets the Stormwater Code as Director's Rule 16-00) requires property owners and developers, through their contractors, to cover topsoil stockpiles to protect from erosion and identifies permanent seeding after grading as an erosion control measure.

Implementation Guideline 14.1 (G): ("Erosion controls are required even on sites less than 1 acre in size.")

SMC 22.802.020 provides that standard drainage control review and approval shall be required for any land disturbing activity greater than 750 square feet, and that a Standard Erosion and Sediment Control Plan must be submitted that demonstrates controls sufficient to determine compliance with SMC 22.802.015 (C) (3). This requirement is triggered by land disturbing activity of 750 square feet or more, which is more stringent than the requirement in 14.1 (G), as substantial development is defined as development of 4,000 square feet or more.

Implementation Guideline 14.1 (H): (“Prevent major changes to the natural drainage basin that would eliminate stormwater detention.”)

This statement is not sufficiently specific to be interpretable as a SEPA mitigation measure.

Recommendation

Based on the foregoing discussion and analysis, DPD recommends that the Northgate goals for reduction in SOV trips be amended, and that the prohibition on sharing of commercial parking as provided in 23.71.016 (D) (2), and Section 3 of Ordinance 116770, adopting certain Implementation Guidelines as Northgate SEPA Policies, be repealed.